

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FT. LAUDERDALE DIVISION**

CASE NO. 00-06308-Cr-DIMITROULEAS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LUIS NAVIA,

Defendants.

FILED
00 OCT 27 PM 2 25
CLERK OF DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FT. LAUDERDALE, FL

**UNOPPOSED MOTION TO TRANSFER AND CONSOLIDATE
THIS ACTION TO LOWER NUMBER CASE**

COMES NOW the Defendant, by and through his undersigned attorney, and respectfully moves this Court to transfer and consolidate this action (Case No. 00-06308-Cr-DIMITROULEAS) to Case No. 95-10007-CR-KING. For the reasons detailed *infra*, a transfer of this case to Judge King for all further proceedings, including the change of plea and sentencing as well as any hearings for reduction of sentence would alleviate considerable duplication of juridical labor and facilitate the speedy disposition of both cases. In support, the undersigned counsel states:

1. Defendant LUIS NAVIA was indicted on March 3rd, 1995, for, *inter alia*,

8/6/95

conspiracy to possess cocaine with intent to distribute in violation of 21 U.S.C. 841(a)(1) and 846. Mr. Navia intends to plead guilty in this case pursuant to a plea agreement. Mr. Navia has also agreed to the instant information being filed against him in this district on related charges and will be executing a plea agreement as well. It was the intent of the parties that this related case be consolidated with the pending cause before Judge King.

2. Because the causes involve the same charges and related conduct pursuant to the Federal Sentencing Guidelines the guideline calculations will be consolidated as to both cases. In addition, the Defendant is also in the process of providing substantial assistance. A consolidation of the cases will avoid unnecessarily duplicative and redundant Rule 11 hearings, sentencings, and hearings regarding his substantial assistance both at sentencing and afterwards. Clearly, to duplicate such hearings before two different courts would be a waste of judicial resources, as well as an unwieldy and difficult exercise. Moreover, since the case before Judge King involves multiple defendants that Court is more familiar with the overall offense conduct of the defendant herein.

3. This motion has been brought to the attention of the Assisstant United States Attorneys, Eric Snyder and Steven Siegel, and they have stated that they have no objections whatsoever to the same and join in this motion.

WHEREFORE, the Defendant respectfully moves this court to transfer the

instant case and all future proceedings before the Honorable Judge James Lawrence King.

WE HEREBY CERTIFY that a true and correct copy of the foregoing Motion to Consolidate has been furnished to: Eric Snyder and Steven Siegel, Assistant United States Attorneys, Narcotics and Dangerous Drug Section, Criminal Division, U.S. Department of Justice, 1400 New York Avenue, N.W., Suite 11100, Washington, D.C. 20530.

Respectfully submitted,

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By: 
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